**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**FIRST APPEAL No. 3257 of 2006**
**TO**
**FIRST APPEAL NO. 3265 of 2006**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE AKSHAY H.MEHTA**

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

**SPECIAL LAQ OFFICER & 1 - Appellant(s)**
**Versus**
**MAHESHBHAI JESANGBHAI & 1 - Defendant(s)**

==========

**Appearance :**
MS HANSA PUNANI, AGP for Appellant(s) : 1 - 2.
MR RM MEENA for MR YN RAVANI for Defendant(s) : 1,
None for Defendant(s) : 2,

==========

**CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA**

**Date : 13/09/2006**

**ORAL COMMON JUDGMENT** :

Admit.

At the request of the learned advocates appearing for the parties matters are taken up for final hearing today itself. The Special Land Acquisition Officer and the State have preferred these appeals under section 54 of the Land Acquisition Act [hereinafter referred to as 'the Act'] read with section 96 of the Civil Procedure Code to challenge the judgment and award made by the Ld. Joint District Judge, F T C No. 2, Bharuch, dated 7th January, 2003 in Land Acquisition Reference No. 46 of 1999 and its allied matters. The Reference Court has consolidated all the cases and they have been heard together and disposed of by common judgment. Accordingly, these appeals are also now heard together and they are being disposed of by this common judgment.

2. The agricultural lands situated at village Kelol, Taluka Bharuch and which belonged to the respondents of these appeals, have been acquired under the provisions of the Act. The Special Land Acquisition Officer i.e., appellant no. 1 awarded compensation at the rate of Rs.393/- per RA for irrigated land and Rs.262/- per RA for non-irrigated land. The original applicants/claimants preferred reference under section 18 by filing necessary applications to the Collector and in the said proceedings the Ld. Judge enhanced the compensation to Rs.1030/- per RA for irrigated land and Rs.700/- per RA for non-irrigated land by assessing the market value as such. The Special Land Acquisition Officer and the State have, therefore, preferred these appeals.

3. Having heard Ms. Hansa Punani, Ld. AGP for the appellants and Mr. RM Meena, Ld. Advocate for the respondents and having perused the judgment and other material produced before me, it appears that these lands were acquired for the purpose of constructing Samani – Kelol Minor Canal of Narmada Canal. It is submitted by Ms. Punani that the award is on higher side; whereas Mr. Meena has supported the judgment. He has also placed reliance on

judgment delivered by this Court in the case of the Special Land Acquisition Officer v/s. Ravjibhai Chhotabhai Patel rendered in First Appeal No. 1822 of 2001 and its allied matters dated 2nd May, 2001, in support of his contention that considering the smallness of the amount involved in these appeals, they are not required to be entertained. Having perused the same judgment, Mr. Meena's submission is required to be accepted. In the present case the highest amount involved is Rs.38,890/=. However, considering the difference between the award made by the appellant no. 1 and that of the Reference Court, it is even less than Rs.15,000/=. In all other cases, the difference between the two awards is less than Rs.10,000/=. In view of the same, there is no need to entertain these appeals on merits and they can be disposed of on the ground of smallness of the amount itself. Hence, the appeals are dismissed with no order as to costs.

[ Akshay H Mehta, J. ]

* Pansala.